

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

_____	:	Case No. _____
_____	:	Chapter _____
<i>Debtor(s)</i>	:	
_____	:	
_____	:	
<i>Movant,</i>	:	
	:	Related to Document No. _____
v.	:	
_____	:	
_____	:	
<i>Respondent.</i>	:	

ORDER CONFIRMING SALE OF PROPERTY
FREE AND DIVESTED OF LIENS

This (Date) , on consideration of the (Party) *Motion for Sale of Property Free and Divested of Liens* to (Buyer name and address) for \$ (Price) , after hearing held in Courtroom D, 54th Floor, 600 Grant Street, Pittsburgh, PA, this date. Regarding said Motion the Court finds:

(1) That service of the Notice of Hearing and Order setting hearing on said Complaint for private sale of real property free and divested of liens of the above named Respondents, was effected on the following secured creditors whose liens are recited in said Motion for sale, viz:

DATE OF SERVICE

NAME OF LIENOR AND SECURITY

(Date of each service)

(Name and address of each)

(2) That sufficient general notice of said hearing and sale, together with the confirmation hearing thereon, was given to the creditors and parties in interest by the Movant as shown by the certificate of service duly filed and that the named parties were duly served with the Complaint/Motion.

(3) That said sale hearing was duly advertised in (Publication) on (Date) and in the (Publication) on (Date) , as shown by the Proof of Publications duly filed.

(4) That at the sale hearing no higher offers were received and no objections to

the sale were made which would result in cancellation of said sale.

(5) That the price of \$ _____ (*Price*) offered by _____ (*Buyer*) is a full and fair price for the property in question.

(6) That the purchaser is acting in good faith with respect to the within sale in accordance with *In re Abbotts Dairies of Pennsylvania, Inc.*, 788 F2d 143 (C.A. 3, 1986).

IT IS ORDERED, ADJUDGED AND DECREED that the private sale by (*Warranty*) deed of the real property described in the Motion as _____ (*Description*) _____ is hereby confirmed to _____ (*Buyer name and address*) for \$ _____ (*Price*), free and divested of the liens herein described; and, that the _____ (*Movant*) shall make, execute and deliver to the purchaser above named the necessary deed and/or other documents required to transfer title to the property purchased upon compliance with the terms of sale.

IT IS FURTHER ORDERED, that the above recited liens and claims, be, and they hereby are, transferred to the proceeds of sale, if and to the extent they may be determined to be valid liens against the sold property, that the within decreed sale shall be free, clear and divested of said liens and claims; and, that after due notice to the claimants and lien creditors, and no objection on their parts having been made, the incidental and related costs of sale and of the within bankruptcy proceedings, shall be paid in advance of any distribution to said lien creditors.

FURTHER ORDERED, that applicable real estate taxes and ordinary closing costs, municipal lien claims, including the realtor commission approved by the Court in the amount of \$ _____ (*amount*), _____ (*Itemize here any other proposed disbursements*), shall immediately be paid at closing. Failure of the closing agent to timely make disbursement required by this Order will subject the closing agent to monetary sanctions after notice and hearing.

FURTHER ORDERED that the Movant shall serve a copy of the within Order on each respondent (i.e., each party against whom relief is sought) and its attorney of record, if any, upon any attorney or party who answered the motion or appeared at the hearing, the attorney for the debtor, the purchaser, and the attorney for the purchaser, if any, and file a certificate of service.

FURTHER ORDERED that closing shall occur within thirty (30) days of this Order and the Movant shall file a report of sale within ten (10) days following closing.

FURTHER ORDERED that this Confirmation Order survives any dismissal or conversion of the within case.

Thomas P. Agresti
United States Bankruptcy Court